

8/20/12
②
TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

July 9, 2012

Acton Beacon
BY FAX

Atten: LEGAL AD DIVISION

Please place the following ad in the Thursday, August 2, 2012 legal Section of the Acton Beacon.
Please bill the applicant at the address listed below:

Mr. Leo Bertolami
6 Proctor Street
Acton, MA 01720
263-5100

Christine M. Joyce
Town Manager's Office

LEGALS:
PLEASE CONFIRM TO ME @ 978-264-9612

CC: Applicant
Filed: *Classl/bin cmj*

TOWN OF ACTON
NOTICE OF HEARING

Notice is hereby given that the Board of Selectmen will hold a public hearing in the Faulkner Room in the Town Hall on Monday, August 20, 2012 at 7:10 p.m. on the application of Leo Bertolami, dba Milldam Leasing Company, Inc. for a Class I Dealer's License at 99 Great Road, Acton, MA.

Acton Board of Selectmen

Interdepartmental Memo

July 9, 2012

TO: Police Chief, Fire Chief, BOH, Building Dept. Planning
FROM: Christine Joyce, Town Manager's Office
SUBJECT: Staff Comments – Leo Bertolami, DBA Milldam Leasing.Co.

Attached please find the materials in the subject regard for your comments/recommendations. He is on for August 20th

Christine Joyce

From: Frank Widmayer
Sent: Thursday, July 19, 2012 10:39 AM
To: Christine Joyce
Subject: RE: Milldam Leasing Co., Inc. 99 Great Road - Class I Internet business/sales

I have reviewed the application submitted by Milldam Leasing and I have no objection to the issuance of the license.

Frank J. Widmayer III
Chief of Police
978-263-2911

-----Original Message-----

From: Christine Joyce
Sent: Monday, July 09, 2012 11:42 AM
To: Frank Widmayer; Kevin Lyons; Frank Ramsbottom; Sheryl Ball
Subject: Milldam Leasing Co., Inc. 99 Great Road - Class I Internet business/sales

-----Original Message-----

From: ATH-MGR-COPIER@acton-ma.gov [<mailto:ATH-MGR-COPIER@acton-ma.gov>]
Sent: Monday, July 09, 2012 11:
To: Christine Joyce
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: Town Hall, First Floor (Manager)
Device Name: ATH-MGR-COPIER

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

Christine Joyce

From: Kevin Lyons
Sent: Tuesday, July 10, 2012 2:35 PM
To: Christine Joyce; Frank Widmayer; Frank Ramsbottom; Sheryl Ball
Cc: Patrick Futterer
Subject: RE: Milldam Leasing Co., Inc. 99 Great Road - Class I Internet business/sales

Christine,

After reviewing the proposal regarding 99 Great Road and conducting a site visit; I have no objections to this application.

Regards,

Kevin

-----Original Message-----

From: Christine Joyce
Sent: Monday, July 09, 2012 11:42 AM
To: Frank Widmayer; Kevin Lyons; Frank Ramsbottom; Sheryl Ball
Subject: Milldam Leasing Co., Inc. 99 Great Road - Class I Internet business/sales

-----Original Message-----

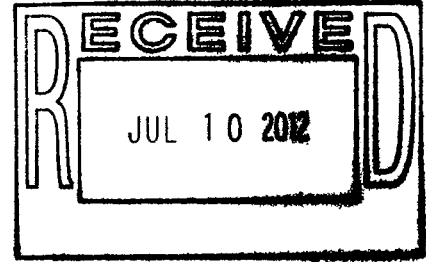
From: ATH-MGR-COPIER@acton-ma.gov [<mailto:ATH-MGR-COPIER@acton-ma.gov>]
Sent: Monday, July 09, 2012 11:
To: Christine Joyce
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: Town Hall, First Floor (Manager)
Device Name: ATH-MGR-COPIER

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



ACTON BOARD OF HEALTH

Douglas Halley
Health Director

472 Main Street
Acton, MA 01720

Telephone 978-264-9634
Fax 978-264-9630

July 9, 2012

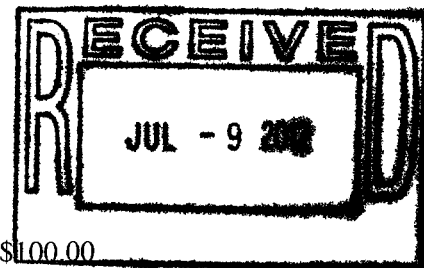
TO: Board of Selectmen

FROM: Sheryl Ball, Health Department *SB*

RE: Class 1 Application for Leo Bertolami DBA Milldam Leasing Co. – 99 Great Rd

The Health Department has reviewed the Class 1 Application for the property located at 99 Great Road and has no issues with the granting of this license as an internet sales only business with no cars or hazardous waste stored on site.

**Town of Acton
472 Main Street
Acton, MA 01720**



SUPPLEMENTAL APPLICATION to Form 53
LICENSE TO SELL MOTOR VEHICLES ANNUAL FEE \$100.00

Date: 7/2/12


Business Owner: Leo Bertolani
First Middle Initial Last

Address: 6 Proctor Street, Acton, MA. 01720 Telephone #: 978-263-5100
Town/City zip

Name of Business: Milldan Leasing Co., Inc. Attach copy of Business Certificate

Business Location: 99 Great Road Telephone # 978-369-5500


Corporation Name: (If applicable) Milldan Leasing Co., Inc. Attach copy of
Articles of Incorporation

Address: 794 Elm Street, Concord, MA. 01742 FID # 
Town/City

Manager Name: Leo Bertolani
First Middle Initial Last

Address: 6 Proctor Street, Acton MA. 01720
Town/City zip

Home Telephone: 978-263-5100 Cell Phone: 978-430-4000

Date of Birth: 09/17/49 Social Security number: 
Month Day Year

Please answer the following:
Number of vehicles to be stored at any one time: 0
Purpose (s) of vehicles to be stored: 0
Origin of vehicles to be stored 0

Do you plan to sell by auction in addition to retail? ☒ Yes ☐ No

Be sure that the following documents are attached:

1. Form 53 - Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles
2. Business certificate (Issued by Town Clerk's Office) or Articles of Incorporation
3. Certificate of Compliance with State Laws, completed and signed
4. Workers' Compensation Insurance Affidavit, completed and signed
5. Plot plan of property to used for storage of motor vehicles

Applicant signature: Leo Bertolani

Application -- Class I & II Car Dealers
Dealer's License
Bin/Licenses

6/20
7/10

6/2

THE TOWN MANAGER'S OFFICE UPON RECEIPT WILL FORWARD ALL COPIES OF THE APPLICATIONS TO THE FOLLOWING DEPARTMENTS FOR THEIR REVIEW AND RECOMMENDATION.

The Police Chief - shall initiate a background check of the proposed manager and review the Application to determine if, in his opinion, any public safety hazard would exist by reason of the location or the hours of operation.

The Fire Chief or his designate, shall review and examine the proposed business location to Determine if, in their opinion, any public safety hazard would exist by reason of the location, and that the proposed premises meets all fire safety regulations.

Building Commissioner shall examine and review the proposed business location to determine if, in their opinion, any public safety hazard would exist by reason of the location, and that the proposed premises meets all building safety regulations and building codes. Also proposed signage for the business

The Zoning Enforcement Officer shall examine and review proposed business location to determine if it conforms to all zoning regulations and bylaws.

The Treasurer's Office shall examine their records to see that all taxes and fees due to the Town of Acton are current to date for both the applicant and owner of property to be used for proposed business.

Each of Departments shall make whatever recommendations it deems necessary to the Town Manager's office after review of such application, recommending such measures or restrictions on the issuance of any license as may be necessary to protect the public peace, health, safety or general welfare of the community.

—

TOWN OF ACTON APPLICATION FOR CLASS 1 AND 2 DEALER LICENSES

Class 1 and 2 Dealer Licenses are issued in conformity with the authority granted by General Laws, Chapter 140 and amendments thereto. All licenses expire December 31 of each year. The Town of Acton requires an advertised public hearing in the local newspaper at Applicants cost.

Town of Acton Application for Class 1 and 2 Dealer License

The Town Manager's office upon receipt will forward copies of all applications to the following departments for their review and recommendations.

Every question must be answered

Plan should indicate the total number of vehicles for display, customer and employee parking. Plan should show the number of available parking spaces used to park vehicles for sale, as well as for vehicles of the employees and customers.

Proof of \$25,000 Bond (Class II Only)

Every Class II license dealer must present to the Local Licensing Authority in which he is licensed proof of a \$25,000 Bond or acceptable alternative at the time of application for a New license. (See MG, C140, Section 58 (1-6) (Class II Only)

Every very Class II license Dealer must present the Local Licensing Authority in writing in which he is licensed proof of an agreement with a repair facility for Warranty Obligations See MG, C140 Section 58(8) and C90, Section 7n.25 (Class II Only)

Once the above documents are complete return them to the Town Manager's Office, copies will be distributed to the Town Departments for their review and comments. A hearing will be scheduled before the Board of Selectmen.

If you have any questions, please contact Christine Joyce, Executive Assistant, Town Manager's Office at 978-929-6611

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Acton

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a _____
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Milldan Leasing Co., Inc.

Business address of concern. No. 99 Great Road St.,
Acton, MA. 01720 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Corp.

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Leo Bertolani, 6 Proctor Street, Acton, MA. 01720

Secretary Jane Bertolani, .6 Proctor Street, Acton, MA. 01720

Treasurer Leo Bertolani, 6 Proctor Street, Acton, MA. 01720

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? yes

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? no

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
Milldan Leasing Co., Inc. is located at 794 Elm Street in Concord, MA
on the second floor office with no display of vehicles and has been in
business since 1983. We would like to bring the same business profile
to 99 Great Road, Acton, MA. This will be a internet only new car
dealership selling all brands.

8. Are you a recognized agent of a motor vehicle manufacturer? no
(Yes or No)
If so, state name of manufacturer -

9. Have you a signed contract as required by Section 58, Class 1? _____
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? yes
(Yes or No)
If so, in what city — town Acton, Concord, Hudson, Maynard, Hyannis, and more
Did you receive a license? yes For what year? 1970-present
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof
ever been suspended or revoked? no
(Yes or No)

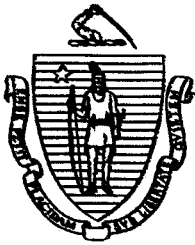
Sign your name in full Lea Bertalan
(Duly authorized to represent the concern herein mentioned)

Residence 6 Proctor Street, Acton, MA.

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the
application with the registrar. (See Sec. 59)



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: Milldan Leasing CO., Inc.

Address: 99 Great Road

City/State/Zip: Acton, MA. 01720

Phone #: 978-430-4000

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/or part-time).*
2. ☒ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____

Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Lee Berblum

Date: 7/2/12

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____

Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."**

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia

CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the Undersigned acting on behalf of the License Holder, certifies under the penalty of perjury that, to the best of the undersigned knowledge and belief, the License Holder is in Compliance with all laws of the Commonwealth of Massachusetts relating to taxes, Reporting of employees and contractors, and withholding and remitting child support*.

Leo Bertolani

** Signature of Individual or Corporate License Holder (Mandatory)

01

625

*** License Holder's Social Security Number/or Federal Identification Number

By: Leo Bertolani Date: 7/2/12
Corporate Officer

(Mandatory, if applicable)

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other Agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____

(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.